

State of South Dakota

EIGHTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2010

366R0596

SENATE BILL NO. 136

Introduced by: Senators Garnos and Bartling and Representatives Juhnke, Deadrick, and Solberg

1 FOR AN ACT ENTITLED, An Act to allow municipalities to maintain the same number of on-
2 sale alcoholic beverage licenses when certain on-sale alcoholic beverage licenses are not
3 reissued.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 35-2-5.3 be amended to read as follows:

6 35-2-5.3. No licensing authority may reissue any on-sale license issued pursuant to
7 subdivision 35-4-2(4), (6), or (13) to the same licensee or the licensee's transferee if the license
8 has not been actively used by the applicant during the two years preceding the date of the current
9 application. For purposes of this section, the term, actively used, means that the licensed
10 premise was open to the public during regular business hours for the sale and consumption of
11 distilled spirits for at least sixty days during the two preceding years. However, the licensed
12 premise is only required to be open five days per year if it is open to the public during a special
13 event that has at least twenty-five thousand visitors. However, any on-sale license, held by a
14 municipality pursuant to chapter 35-3, not reissued pursuant to this section may be issued by the
15 licensing authority to a new on-sale licensee although the issuance of such license may exceed



1 the maximum number of licenses allowed pursuant to § 35-4-11.